

FILED  
2017 MAY 19 PM 2:47  
CLERK OF DISTRICT COURT  
U.S. DISTRICT COURT  
LOS ANGELES  
BY: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2017 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN NICHOLAS SIMONE, and  
SONIA ARAYA,

Defendants.

CR No. 17

**17CR00307**

I N D I C T M E N T

[18 U.S.C. § 1708: Mail Theft and Possession of Stolen Mail; 18 U.S.C. § 1704: Possession of a Counterfeit Postal Key; 18 U.S.C. § 1029(a)(3): Unlawful Possession of Fifteen or More Unauthorized Access Devices; 18 U.S.C. § 1029(a)(4): Possession of Device-Making Equipment; 18 U.S.C. § 1028(a)(3): Fraud in Connection with Identification Documents; 18 U.S.C. § 1028A(a)(1): Aggravated Identity Theft; 18 U.S.C. § 2(a): Aiding and Abetting]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1708]

On or about March 7, 2017, in Los Angeles County, within the Central District of California, defendant BRIAN NICHOLAS SIMONE stole, took, and abstracted mail from and out of a letter box, mail receptacle, mail route, and authorized depository for mail matter,

28  
RCS

1 namely, a mailbox panel located at 16542 Ventura Boulevard, Encino,  
2 California, with the intent to deprive the owners of the mail,  
3 temporarily and permanently, of its use and benefit.

COUNT TWO

[18 U.S.C. § 1708]

On or about March 7, 2017, in Los Angeles County, within the Central District of California, defendant BRIAN NICHOLAS SIMONE stole, took, and abstracted mail from and out of a letter box, mail receptacle, mail route, and authorized depository for mail matter, namely, a mailbox panel located at 16830 Ventura Boulevard, Encino, California, with the intent to deprive the owners of the mail, temporarily and permanently, of its use and benefit.

COUNT THREE

[18 U.S.C. § 1708]

On or about March 10, 2017, in Los Angeles County, within the Central District of California, defendant BRIAN NICHOLAS SIMONE stole, took, and abstracted mail from and out of a letter box, mail receptacle, mail route, and authorized depository for mail matter, namely, a mailbox panel located at 16542 Ventura Boulevard, Encino, California, with the intent to deprive the owners of the mail, temporarily and permanently, of its use and benefit.

COUNT FOUR

[18 U.S.C. §§ 1704, 2(a)]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendants BRIAN NICHOLAS SIMONE and SONIA ARAYA, each aiding and abetting the other, knowingly possessed with the intent to unlawfully and improperly use, and to cause the same to be unlawfully and improperly used, a key suited to a lock adopted and in use at the time by the United States Post Office Department and Postal Service, and to any authorized receptacle for the deposit and delivery of mail matter, namely, two counterfeit Postal Service "arrow" keys.

COUNT FIVE

[18 U.S.C. §§ 1029(a)(3), 2(a)]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendants BRIAN NICHOLAS SIMONE ("SIMONE") and SONIA ARAYA ("ARAYA"), each aiding and abetting the other, knowingly and with intent to defraud possessed at least fifteen unauthorized access devices, as defined in Title 18, United States Code, Sections 1029(e)(1) and (3), namely, approximately 20 credit and debit card account numbers, all belonging to persons other than defendants SIMONE and ARAYA, with said possession affecting interstate and foreign commerce.

COUNT SIX

[18 U.S.C. §§ 1029(a)(4), 2(a)]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendants BRIAN NICHOLAS SIMONE and SONIA ARAYA, each aiding and abetting the other, knowingly and with intent to defraud, had custody and control of, and possessed, device-making equipment, as defined in Title 18 United States Code, Section 1029(e)(6), namely an Embosser-Wonder embossing machine, with said control, custody, and possession affecting interstate and foreign commerce.

COUNT SEVEN

[18 U.S.C. §§ 1028(a)(3), 2(a)]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendants BRIAN NICHOLAS SIMONE ("SIMONE") and SONIA ARAYA ("ARAYA"), each aiding and abetting the other, knowingly possessed with intent to use and transfer unlawfully at least five identification documents, namely, three United States passports, a Global Entry identification card, a Veteran's Administration identification card, a Social Security card, two California state identification cards, and ten California driver's licenses, each belonging to persons other than defendants SIMONE and ARAYA, with such identification documents issued and appearing to have been issued by and under the authority of the United States of America and the State of California, with said possession in and affecting interstate commerce.



COUNT EIGHT

[18 U.S.C. §§ 1708, 2(a)]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendants BRIAN NICHOLAS SIMONE ("SIMONE") and SONIA ARAYA ("ARAYA"), each aiding and abetting the other, unlawfully possessed mail matter that had been stolen and taken from the United States mail, namely, more than 100 pieces of mail and mail matter addressed to various individuals within Los Angeles County and elsewhere, and at that time and place defendants SIMONE and ARAYA knew that said mail matter was stolen.

COUNT NINE

[18 U.S.C. § 1028A(a)(1)]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendant BRIAN NICHOLAS SIMONE and SONIA ARAYA, each aiding and abetting the other, knowingly possessed, without lawful authority, means of identification that defendants SIMONE and ARAYA knew belonged to other persons, namely, the names of credit and debit cardholders on approximately 20 credit and debit cards, during and in relation to the offense of Possession of Fifteen or More Unauthorized Access Devices, a felony in violation of Title 18, United States Code, Section 1029(a)(3), as charged in Count Five of this Indictment.

COUNT TEN

[18 U.S.C. § 1028A(a)(1).]

On or about May 9, 2017, in Los Angeles County, within the Central District of California, defendant BRIAN NICHOLAS SIMONE ("SIMONE") and SONIA ARAYA ("ARAYA"), each aiding and abetting the other, knowingly possessed, without lawful authority, means of identification that defendants SIMONE and ARAYA knew belonged to other persons, namely, the names of the owners of three United States passports, a Global Entry identification card, a Veteran's Administration identification card, a Social Security card, two California state identification cards,

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\

\\


1 and ten California driver's licenses, during and in relation to the  
2 offense of Fraud in Connection with Identification Documents, a  
3 felony in violation of Title 18, United States Code, Section  
4 1028(a)(3), as charged in Count Seven of this Indictment.

5  
6 A TRUE BILL

7  
8 /s/  
9 Foreperson

10 SANDRA R. BROWN  
11 Acting United States Attorney

12 LAWRENCE S. MIDDLETON  
13 Assistant United States Attorney  
14 Chief, Criminal Division

15   
16 LIZABETH A. RHODES  
17 Assistant United States Attorney  
18 Chief, General Crimes Section

19 ROBYN K. BACON  
20 Assistant United States Attorney  
21 Deputy Chief, General Crimes  
22 Section

23 KHALDOUN SHOBAKI  
24 Assistant United States Attorney  
25 General Crimes Section  
26  
27  
28